

ESTTA Tracking number: **ESTTA136652**

Filing date: **04/20/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176139
Party	Defendant CORPORATIVE BRANDINGS AND INVESTMENTS, S.A. DE C.V..A. DE C.V. CORPORATIVE BRANDINGS AND INVESTMENTS, S .A. DE C.V. Rio Guadiana No. 18 Suite No. 5, Colonia Cuauhtemoc MXX Delegacion Cuauhtemoc, D.F., 06500
Correspondence Address	John S. Egbert Harrison & Egbert 412 Main St., 7th Floor Houston, TX 77002 harrisonegbert@yahoo.com
Submission	Answer
Filer's Name	John S. Egbert
Filer's e-mail	mail@egbertlawoffices.com
Signature	/900,081/
Date	04/20/2007
Attachments	900,081 AnswerNoticeOpposition.RANCHERITA.pdf (5 pages)(38079 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 78/377,220
Published in the Official Gazette on January 9, 2007

V&V SUPREMO FOODS, INC.,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91176139
	§	
CORPORATIVE BRANDINGS AND	§	
INVESTMENTS, S.A. DE C.V.	§	
	§	
Applicant.	§	

ANSWER TO NOTICE OF OPPOSITION

CORPORATIVE BRANDINGS AND INVESTMENTS, S.A. DE C.V. (hereinafter referred to as “Applicant”), for the Answer to the Notice of Opposition filed by V&V SUPREMO FOODS, INC. (hereinafter referred to as "Opposer"), against the application for registration of the trademark RANCHERITA, U.S. Application Serial No. 78/377,220, filed on March 2, 2007, and published in the Official Gazette on January 9, 2007, pleads and avers as follows:

1. Answering Paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

2. Answering Paragraph 2 of the Notice of Opposition, Applicant admits that U.S. Registration No. 1,613,065 at one time existed, and that it is now dead. Applicant admits the existence of an Order by the United States District Court for the Northern District of Illinois, dated June 1, 1988 in Civil Action No. 86-C-8695, limiting the area of such registration to the area comprising the states of Illinois, Indiana, Michigan, and Wisconsin. Applicant also admits the

existence of Serial No. 76/633,439, filed by Opposer on March 16, 2005, and the current suspension thereof. As to the other allegations set forth therein, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

3. Answering Paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

4. Answering Paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

5. Answering Paragraph 5 of the Notice of Opposition, Applicant admits that it filed an intent-to-use application on March 2, 2004, U.S. Serial No. 78/377,220, for the mark RANCHERITA for “processed, canned, and fresh meats, poultry and game; processed, canned, and fresh seafood; processed fruits and vegetables; processed and fresh dairy products, namely, milk, cheese, drinking yogurt, and sour cream; processed nuts and processed edible seeds; edible oils and fats; prepared entrees consisting primarily of meat, poultry, fish or vegetables” in International Class 29 Applicant specifically denies the remaining allegation of this paragraph.

6. Answering Paragraph 6 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

7. Answering Paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

8. Answering Paragraph 8 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

9. Answering Paragraph 9 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

10. Answering Paragraph 10 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegation that “Applicant’s Mark has been cited as a potential bar to registration of Opposer’s Mark” or the allegation that Applicant’s mark “is one of the applications causing Applicant’s Concurrent Use Application to be suspended in the U.S.P.T.O.” and accordingly denies each allegation. Applicant specifically denies the allegation that Applicant’s Mark will seriously damage Opposer.

AFFIRMATIVE DEFENSE

Applicant affirmatively alleges that Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

WHEREFORE, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or likely to be, damaged by the registration of Applicant's trademark; that Applicant's trademark is manifestly distinct from any alleged mark of the Opposer or any designation of the Opposer, and Applicant prays that this opposition will be dismissed with prejudice and that Applicant be granted registration of its trademark.

Respectfully submitted,

April 20, 2007
Date

/900,081/
John S. Egbert
Reg. No. 30,627
Egbert Law Offices
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 (Fax)

ATTORNEY FOR APPLICANT
CORPORATIVE BRANDINGS AND
INVESTMENTS, S.A. DE C.V.

JSE:ksw
Our File: 900,081

CERTIFICATE OF SERVICE

I hereby certify that Applicant's ANSWER TO NOTICE OF OPPOSITION is being sent by first class mail on this 20th day of April 2007 to the attorney of record for Opposer at the following address:

Jeffrey A. Handelman, Esq.
Thomas M. Williams, Esq.
Michael K. Hendershot, Esq.
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60611
(312) 321-4200
ATTORNEY FOR OPPOSER
V&V SUPREMO FOODS, INC.

/900,081/
John S. Egbert
Reg. No. 30,627
Egbert Law Offices
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 (Fax)

ATTORNEY FOR APPLICANT
CORPORATIVE BRANDINGS AND
INVESTMENTS, S.A. DE C.V.